



Federal Communications Commission
Washington, D.C. 20554

06-181

June 28, 2006

Reference: CGB-CC-0441

Rev. Jim Coleman
First United Methodist Church
307 Flint Ave.
P.O. Box 448
Albany, GA 31702-0448

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Dear Reverend Coleman,

This letter pertains to the information you submitted on behalf of First United Methodist Church ("First United") on June 21, 2006. The Federal Communications Commission ("Commission") received First United's petition for exemption from the closed captioning requirements based on the undue burden standard on February 21, 2006. On March 2, 2006, the Commission sent a letter to First United requesting documentation regarding finances and assets, the nature and costs associated with captioning the television program, reasonable alternatives to captioning, if any, and an affidavit. The information submitted on June 21, 2006, is incomplete.

The Commission must evaluate whether the cost of captioning in the context of First United's overall budget and resources would be burdensome, not merely **as** it relates to budgeted amounts for its programming.¹ With this in mind, First United should submit documentation indicating all resources available. More information on the kind of documentation that may satisfy this request can be found at <http://www.fcc.gov/cgb/dro/captionexemptions.html>. Further, closed captioning quotes from multiple sources for First United's programming are needed.² The June 21, 2006, letter included only **an** estimate from Captioning Colorado.

With regard to alternatives to closed captioning, please refer to paragraph 201 **of** the Commission's 1997 Closed Captioning Report and Order, which can be found at <http://www.fcc.gov/cgb/dro/caption.html>, where the Commission stated that reasonable alternatives to closed captioning "may include, but are not limited to, text or graphic display of the content of the audio portion of the programming or the use **of** sign language interpretation."

¹ *In the Matter of Lewis Memorial Baptist Church Video Programming Accessibility, Petition for Waiver of Closed Captioning Requirements*, CSR 6283, Memorandum Opinion and Order, DA 05-2045, 2005 WL 1704409 (Media Bureau July 21, 2005). See also *In the Matter of Closed Captioning and Video Description of Video Programming, Implementation of Section 305 of the Telecommunications Act of 1996*, Report and Order, MM Docket No. 95-176, Report and Order, 1997 WL 522792, 13 FCC Rcd 3272, wherein the Commission stated "we will examine the overall budget and revenue of the individual outlet and not simply the resources it chooses to devote to a particular program." *Id.* at 13 FCC Rcd at 3366, ¶204.

² 47 C.F.R. § 79.1(f)(2)(i). See also, *In the Matter of Outland Sports, Inc. Video Programming Accessibility Petition for Waiver of Closed Captioning Requirements*, CSR 5443, Memorandum Opinion and Order, DA 01-1610 (Media Bureau rel. July 9, 2001), in which the Commission credited the petitioner with including in its petition a range of quotes as well as the correspondence from various sources of closed captioning.

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Your June 21, 2006, submission includes an affidavit "regarding the operative and financial nature" covering "this response letter." We emphasize that you must submit an affidavit that covers ALL information you have submitted to the Commission thus far for First United's petition (CGB-CC-0441) as well as any future information you submit in response to this letter.


The requested information is necessary in order to place the petition on public notice. Please submit this information **within 30** days. If the Commission does not receive the requested information, your petition runs the risk of being dismissed.

Include the case identifier number CGB-CC-0441 in all correspondence with the Commission regarding this matter. Please send an original and two copies of the requested information to

Amelia Brown, Disability Rights Office
Federal Communications Commission

Please follow the directions found at www.fcc.gov/cgb/dro/caption_exemptions.html for mailing or delivering materials to the Commission and please contact me immediately with any questions you have regarding the requested information. I can be reached at (202) 418-2799 (voice), (202) 418-7804 (TTY), or Amelia.Brown@fcc.gov.

Sincerely,



Amelia Brown
Senior Attorney
Disability **Rights** Office
Consumer & Governmental
Affairs Bureau